

ATTORNEY GENERAL GREGORY D. STUMBO

PRESENTS



2004-2005 BLUE RIBBON COMMISSION REPORT ON CRIMINAL PROSECUTION



**2004-2005
BLUE RIBBON COMMISSION
ON
CRIMINAL PROSECUTION**



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ACKNOWLEDGEMENTS

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INTRODUCTION

Attorney General Gregory D. Stumbo's Blue Ribbon Commission on Criminal Prosecution is a bipartisan panel that was formed to study the special challenges facing Kentucky prosecutors. In order to quantify those challenges, Commission staff sent surveys to all County and Commonwealth's Attorneys. The surveys consisted of a substantive legal portion and a fiscal portion. This Report summarizes the fiscal surveys of the prosecutors and gives a general overview regarding issues they raised in their survey responses.

The survey responses indicate that the primary issues of concern to prosecutors are:

1. A huge increase in caseloads;
2. No corresponding increase in resources to handle these caseloads;
3. A lack of ability to attract qualified new prosecutors because of low starting salaries; and
4. A lack of ability to retain career prosecutors due to an inability to increase their salaries competitively with the private sector.

These issues are discussed in greater detail below. As each issue is discussed, quotes from actual survey participants may be used.

Because this report compiles the actual responses from prosecutors, it is hoped that it will be used as a research and reference tool for legislative, judicial and executive branch policy makers as they make decisions affecting Kentucky's criminal justice system. In particular, it is hoped that they will use this report in allocating necessary resources to the Unified Prosecutorial System.

THE CASELOAD EXPLOSION

"Caseload has more than doubled in the last five years."

"Burnout and stress from an overworked staff

will continue to be an issue."

"Huge increase in caseload because of drug abuse."

In the surveys, prosecutors repeatedly voiced that they are struggling to handle massive increases in their caseloads. This is borne out by statistics from the Administrative Office of the Courts that show that criminal caseloads in Kentucky have increased dramatically over the last 10 years. Prosecutors are handling over 10,000 more criminal cases in circuit court than they did in 1996.¹ (See Chart attached in Appendix). One northern Kentucky prosecutor has noted that since she took office in 1997, criminal cases have been increasing at about 27 ½ percent every year.² Commonwealth's Attorney Tom Smith's circuit has seen a 44% increase in caseload from fiscal year 2002 to fiscal year 2004.³

In their survey responses, prosecutors blame much of this caseload increase on an explosion of drug crimes. One of the survey questions was: "What area of your practice has seen the most significant growth in the last five years?" Resoundingly, prosecutors cited the growth in the prosecution of drug and drug-related crimes. Although different areas of the state are plagued by

¹ Administrative Office of the Courts, Statistics on Circuit Court Criminal Case filings.

² Interview with Linda Tally Smith, Commonwealth's Attorney for the 54th Judicial Circuit (Boone and Gallatin Counties), in "Cranking up the Caseload – Meth Keeps Prosecutors and Public Defenders Buried in Paperwork," Caleb O. Brown, Snitch Magazine, September 30, 2004.

³ Tom Smith is Commonwealth's Attorney for the 25th Judicial Circuit (Madison and Clark Counties). Caseload statistics are from the Administrative Office of the Courts.

different varieties of drug crime, prosecutors across the Commonwealth are dealing with this upswing in drug cases.

THE INCREASE IN PRESCRIPTION DRUG ABUSE

Prosecutors identified two primary areas of increased drug activity: prescription drug abuse and methamphetamine abuse. Although all areas of the Commonwealth have been touched by these problems, prescription drug abuse appears to be more serious in eastern Kentucky, while methamphetamine abuse appears to be more prominent in western Kentucky.

With respect to prescription drug abuse in eastern Kentucky, one article has noted that eastern Kentucky is the prescription-painkiller capital of the United States.⁴ Prescription drugs pour into eastern Kentucky at rates higher than Miami, Detroit or Los Angeles. Counties in eastern Kentucky lead the nation in grams of narcotic pain medications distributed per capita.⁵ Unfortunately, many of these prescriptions are being criminally diverted for sale on the street. This is evident in the caseload statistics for this area. In Eastern Kentucky, possession and trafficking charges for all controlled substances jumped 348 percent from 1997 through 2001.⁶

Moreover, increases in prescription drug abuse lead to increased crime in other areas due to the need to "feed the habit." One Commonwealth's Attorney

⁴ "Eastern Kentucky: Painkiller Capital," Linda Johnson, Lexington Herald-Leader, January 19, 2003.

⁵ DEA Briefs & Background, Drugs and Drug Abuse, State Fact Sheets, Kentucky.

⁶ "Eastern Kentucky: Painkiller Capital," Linda Johnson, Lexington Herald-Leader, January 19, 2003.

has reported almost a 25% increase in his circuit court docket due to cases stemming from prescription drug abuse.⁷ This increase in drug related crime has manifested itself in an increase in pharmacy robberies. In 2001, 69 pharmacies in Kentucky were robbed for the purpose of obtaining Oxycontin.⁸ Oxycontin is also blamed for an upsurge of house burglaries in eastern Kentucky because of addicts who need to finance their habit.⁹

THE INCREASE IN METHAMPHETAMINE ABUSE

Many prosecutors, particularly in western Kentucky, identified methamphetamine cases and crimes stemming from methamphetamine abuse as the most significant area of growth in the last five years. While prescription drugs plague eastern Kentucky, methamphetamine labs have been spreading across Kentucky from the Midwest. Methamphetamine has long been a problem in California and the Southwest, but it has moved eastward, some believe, because it is easy to produce using normal household chemicals.¹⁰ According to one source, "Methamphetamine is the most rapidly emerging threat to Kentucky, particularly in the rural areas of the state. The level of methamphetamine production, distribution, abuse, and violence has increased dramatically and is

⁷ Cliff Duvall, the Commonwealth's Attorney for the 20th Judicial Circuit (Greenup and Lewis Counties), said the circuit court's docket increased almost 25 percent last year because of cases stemming from prescription -drug abuse. "I can foresee a situation where we are going to need another judge just to handle all the criminal cases that we have," he said. His interview is contained in "Prescription for Abuse, Five Doctors at Clinic Allegedly Fed Addictions", Gideon Gill, Louisville Courier-Journal, October 20, 2002.

⁸ DEA Briefs & Background, Drugs and Drug Abuse, State Fact Sheets, Kentucky.

⁹ "Facing a Drug Danger," Editorial, September 21, 2001, Louisville Courier-Journal.

¹⁰ "Meth's Surge Leaves a Trail of Misery in Kentucky and Indiana," Deborah Yetter, Louisville Courier-Journal, December 26, 2004

spreading across the state from west to east.”¹¹ One Commonwealth’s Attorney from western Kentucky has also voiced concern regarding the threat of methamphetamine. He has noted that people from urban areas are targeting rural Kentucky as the place to steal anhydrous ammonia, which is used to make methamphetamine.¹²

The caseload statistics regarding methamphetamine support prosecutors’ concerns regarding this drug. Indictments for methamphetamine manufacturing and trafficking have increased by a staggering 452% from 1998.¹³ In 1999, there were 336 cases of methamphetamine trafficking and manufacturing. In 2004, however, that number had grown to 1854. In some criminal circuits, methamphetamine cases represent 15-30% of the entire criminal caseload. This caseload increase has added to the burden of our overtaxed County and Commonwealth’s attorneys.¹⁴

PROSECUTORS ARE HANDLING CASELOADS IN EXCESS OF RECOMMENDED LEVELS

As noted above, the increase in drug crime and other criminal activity has caused a massive increase in the caseloads for prosecutors. Most of Kentucky’s prosecutors are handling cases in numbers that are well above recommended

¹¹ National Drug Intelligence Center, Kentucky Drug Threat Assessment, July 2002

¹² Interview with Commonwealth’s Attorney Charles Orange, Commonwealth’s Attorney for the 7th Judicial Circuit (Logan and Todd Counties), in “Push on for Pay Increase,” Hayli Fellwock, Bowling Green Daily News, January 15, 2005.

¹³ “Meth’s Surge Leaves a Trail of Misery in Kentucky and Indiana,” Deborah Yetter, Louisville Courier-Journal, December 26, 2004.

¹⁴ “Cranking up the Caseload – Meth keeps prosecutors and public defenders buried in paperwork,” Caleb O. Brown, Snitch Magazine, September 30, 2004.

levels. Although commentators disagree about the number of cases a prosecutor should handle, one standard is repeatedly cited and appears to be a general benchmark. In 1973, the National Advisory Commission on Criminal Justice Standards and Goals developed guidelines for attorneys handling criminal caseloads. This Commission recommended that an attorney handle no more than 150 felonies per year or no more than 400 misdemeanors per year. The recommendation for misdemeanor caseload was later reduced to no more than 300 by a subsequent American Bar Association committee.¹⁵

Kentucky's Commonwealth's and County Attorneys are handling cases in numbers that are well in excess of these recommended standards. In fact, many of them are handling twice or three times the recommended case levels. Although it is difficult to ascertain an exact per case figure for prosecutors, figures from the Administrative Office of the Courts indicate that few, if any, prosecutors are handling cases within recommended levels.¹⁶ One Commonwealth's Attorney in western Kentucky recently noted that for the past three years, her office averaged 435 felony indictments per year. Split with one assistant, that is 217 felony cases per year, well above the recommended level of no more than 150 felony cases per attorney.¹⁷

¹⁵ ABA Criminal Justice Standards 5-5.3, Providing Defense Services, cited in "How Many Cases Should a Prosecutor Handle? Results of the National Workload Assessment, American Prosecutors Research Institute, (2002).

¹⁶ Administrative Office of the Courts Statistics, Cases per County and Judicial Circuit.

¹⁷ Interview with Commonwealth's Attorney Gale Cook, Commonwealth's Attorney for the 42nd Judicial Circuit (Marshall and Calloway Counties) in "Cranking up the Caseload – Meth Keeps Prosecutors and Public Defenders Buried in Paperwork," Caleb O. Brown, Snitch Magazine, September 30, 2004.

Moreover, bare caseload statistics do not tell the entire story regarding a prosecutor's workload. The nature of an offense is particularly relevant when studying workload issues:

Serious offenses, such as murder or rape, require a significant amount of prosecutorial resources because they are less likely to be pled out or the plea does not occur until just prior to trial. Consequently these types of cases require more preparation time for preliminary hearings, motions and trial. Add to the mix, mitigating factors such as an elderly victim, a language barrier, or complex scientific evidence, and the case processing time increases.¹⁸

As noted above, not all cases are alike, and weighting all cases equally is not an accurate portrait of a prosecutor's time commitment. The examples cited above might be considered "case enhancers", i.e., factors that increase prosecutorial work time. Another case enhancer is the prosecutor's decision to prosecute a criminal case as a capital offense. Death penalty cases take much more time than other types of criminal cases. They require a trial that is held in two separate phases: a guilt phase and a penalty phase. Preparation for these cases is immense, and this is not reflected in caseload statistics that do not denote how many death penalty cases an office is handling.

FOR PROSECUTORS, WORKLOAD IS GREATER THAN MERE CASELOAD

Many aspects of a prosecutor's workload are not reflected in caseload statistics. For example, prosecutors present many cases to grand juries, and these cases may not be reflected in caseload statistics if the grand jury does not

¹⁸ "How Many Cases Should a Prosecutor Handle? Results of the National Workload Assessment, American Prosecutors Research Institute, p. 10 (2002).

return an indictment. Every case that goes before a grand jury, whether there is an indictment or not, requires a prosecutor to present that case. This is a time consuming and painstaking process that requires many of the same tasks needed in preparation for trial. However, if a grand jury returns a finding of "No True Bill," this effort on the part of the prosecutor may not be reflected in statistics that count only cases involving returned indictments.¹⁹

Moreover, a prosecutor's duties related to the postconviction process are not reflected in caseload numbers. Postconviction motions of all types have become more numerous in recent years. Thus, in addition to their pretrial and trial responsibilities, prosecutors must respond to RCR 11.42 motions for postconviction relief, RCR 60.02 motions and motions for shock probation.

In addition to their postconviction responsibilities, Kentucky prosecutors must adapt the scarce resources of their offices to serve the changing population demographics in their communities. For example, as our population continues to age, prosecutors are devoting more and more time to protecting our elderly citizens. Many seniors have been victimized either by physical abuse or by financial scams that strip them of their savings. Some Commonwealth's

¹⁹ "How Many Cases Should a Prosecutor Handle? Results of the National Workload Assessment, American Prosecutors Research Institute, p. 9 (2002). In Kentucky, the Administrative Office of the Courts inputs the case information and keeps the statistics on criminal cases. There necessarily may be variation in how each particular clerk inputs these figures. Additionally, definitional problems have been identified in how cases are counted: "[P]rosecutors' offices have different policies and practices for how cases are handled and counted. Some prosecutors prefer to 'bundle' all charges against a single defendant and count it as one case, while others separate the charges and count them as separate cases. Further, cases involving multiple defendants may be grouped together as one case or separated and counted as multiple cases. . . . However, because there is no standard case counting practice nationally, it makes caseload comparisons extremely difficult." *Id.*

Attorneys, such as David Stengel in Jefferson County, have developed elder abuse units to combat this criminal behavior.²⁰ Other demographic changes have led prosecutors to develop innovative ways to serve their communities. For example, prosecutors are serving a growing Hispanic population in Kentucky, which is now estimated at about 70,000.²¹ To adapt to this demographic change, Fayette County Commonwealth's Attorney Ray Larson has instituted a weekly radio show on a local Spanish language station which brings criminal justice information to the Spanish speaking population of Central Kentucky.

LEGISLATION AFFECTING PROSECUTOR WORKLOAD

In addition to the duties previously outlined, both County and Commonwealth's Attorneys have additional responsibilities that have been legislatively mandated in the last several years. Much of this legislation is innovative and laudable. For example, KRS 15.727 requires the participation of prosecutors on child sexual abuse multidisciplinary teams. These teams work together to structure prosecutions so that every effort is made to minimize the trauma experienced by child victims. Prosecutors also participate in local child fatality response teams that use a team based approach to investigate child deaths.²²

In addition to the mandates related to children's issues, other legislative initiatives have also affected prosecutor workload. In 2002, a Family Court

²⁰ "Prosecutors Focus on Crimes Against Seniors," Louisville Courier-Journal, November 17, 2004.

²¹ "New Data Shows State's Hispanic Population Up," Louisville Courier-Journal, September 30, 2004.

²² KRS 211.684

Amendment was placed on the ballot, and Kentucky voters approved a family court system. Family courts are a division of circuit courts, retaining jurisdiction in cases such as divorce, child custody, adoption and termination of parental rights, among other duties. KRS 23A.100. Family courts are currently in existence in over 40 counties in Kentucky. Also, Kentucky has a drug court program which has over 40 sites of operation, and some circuits have added a senior status judge to assist with case dispositions. KRS 21.580. For each new court that is added, a prosecutor must attend the court proceedings. KRS 15.725 requires that the Commonwealth's Attorney and the County Attorney attend each circuit court and district court held in his/her judicial circuit/county. Although these court additions have been beneficial, this legislation has placed additional burdens on prosecutors without providing corresponding resources to assist them in attending these additional court proceedings.

Moreover, in the last several years, the legislature has created new crimes and enhanced the penalties of other crimes. One example of a newly created crime in Kentucky is that of identity theft. Kentucky passed an identity theft statute in 2000. KRS 514.160. The survey responses indicate that prosecutors are vigorously enforcing this identity theft statute, and it appears that the statute was much needed. In 2002, Kentucky had 932 victims of identity theft, the majority of which have involved credit card theft, and in 2003, there were 1332 identity theft victims.²³ Newly created crimes, such as identity theft, necessarily enhance prosecutorial burdens.

²³ Federal Trade Commission Identity Theft Data for Kentucky

LOW SALARIES HINDER THE ABILITY TO RECRUIT AND RETAIN PROSECUTORS AND LEAD TO INCREASED TURNOVER

“Last month, I was unable to hire an assistant because I could not compete with a private employer.”

“Lawyers can make more in private practice, and it’s difficult to keep them without pay increases.”

Many prosecutors are driven from the profession because of the low starting salaries and lack of pay advancement for career prosecutors. The survey responses indicated that low starting salaries make it more and more difficult to attract new prosecutors to public service when they can make significantly more money in the private sector. 75% of Commonwealth’s and County Attorneys have had problems attracting new prosecutors because of low starting salaries.²⁴ Currently, a beginning full time prosecutor generally is paid \$35,000 per year. Recruiting prosecutors at this salary is difficult, and this difficulty is enhanced in rural areas. Tim Coleman, the Commonwealth’s Attorney for the 38th Judicial Circuit, noted that after being Commonwealth’s Attorney for four years, he was now on his seventh assistant. He stated: “It’s very hard to get anyone to be interested in the job – not because people don’t want to be prosecutors, but financially, with student loans and the expense of being an attorney, they can’t afford to come out and be a prosecutor.”²⁵

Additionally, even if an office is able to attract young prosecutors, it is difficult to cultivate them into career prosecutors because resources do not

²⁴ Survey results from Prosecutors living in districts that have a combination of rural and urban settings contained within the judicial circuit.

permit a pay scale that rewards experience, and many prosecutors have financial obligations such as student loan payments or other debt. Nearly 70% of Commonwealth's Attorneys have had difficulty retaining prosecutors because of the inability to offer them a salary commensurate with experience.²⁶ With respect to the retention issue, Commonwealth's Attorney Gale Cook noted, "I can't promise them that in a year, they will go up to \$38,000. All my people have been getting is the cost of living raise. There is no program in place that would allow experienced prosecutors to move up with economic rewards which are appropriate to their experience."²⁷ As Commonwealth's Attorney Tim Coleman noted, "If I hire somebody at age 35, they may be willing to take that pay, but then there's no pay raise after that. We need to establish some system where we can retain prosecutors for a long period of time."²⁸

A recent article in the ABA Journal highlighted this problem in a study of Florida prosecutors. It found that Florida prosecutors have a turnover rate of

²⁵ Interview with Commonwealth's Attorney Tim Coleman, Commonwealth's Attorney for the 38th Judicial Circuit (Butler, Edmonson, Hancock and Ohio Counties), in "Push on for Pay Increase," Hayli Fellwock, Bowling Green Daily News, January 15, 2005.

²⁶ Survey results from Commonwealth's Attorneys who live in a judicial circuit that contains both rural and urban areas.

²⁷ Interview with Commonwealth's Attorney Gale Cook, Commonwealth's Attorney for the 42nd Judicial Circuit (Calloway and Marshall Counties), in "Push on for Pay Increase," Hayli Fellwock, Bowling Green Daily News, January 15, 2005.

²⁸ Interview with Commonwealth's Attorney Tim Coleman, Commonwealth's Attorney for the 38th Judicial Circuit (Butler, Edmonson, Hancock and Ohio Counties), in "Push on for Pay Increase," Hayli Fellwock, Bowling Green Daily News, January 15, 2005.

20%, and just 54% of new prosecutors last for three years.²⁹ Our surveys have indicated that the same problems exist in Kentucky.

In the past two fiscal years the turnover rate for Assistant Commonwealth's Attorneys has drastically increased from a five year low in FY2002 of 7.6% to a five year high of 20.5% in FY2004³⁰. As salary rates or "annual increments" have decreased, turnover rates have increased. In fact, there is a direct correlation between the decrease in the annual increments and the increased turnover of Assistant Commonwealth's Attorneys. Moreover, as salary increments have declined in the last three fiscal years (from FY2001 to FY2004), circuit court case filings are up nearly 28%³¹ and continue to rise each year. (See attached Chart in Appendix.) Thus, prosecutors are not only grappling with a lack of financial incentives to stay in the profession, but those who stay are being asked to take on additional cases for the same low pay.

County Attorneys are experiencing a similar phenomenon. In FY2001 the turnover rate for Assistant County Attorneys was at a five year low of 12.3% in contrast to the FY2004 turnover rate of 15.6%.³² The County Attorneys staffs have been subjected to the same depressed rate of annual increments as the Commonwealth's Attorneys staff. Additionally, County Attorneys are under

²⁹ "The Good Fight Gets Harder," John Gibeaut, ABA Journal, Chicago, February, 2004.

³⁰ Source data: Commonwealth of KY, Department of Personnel, "Turnover Report ... for Specific Classes"

³¹ Source data: Commonwealth of Kentucky, Administrative Office of the Courts, "State Wide Caseload Report" Circuit Court, Run date 7/20/04

³² Source data: Commonwealth of KY, Department of Personnel, "Turnover Report ... for Specific Classes"

increased demand from new obligations such as the previously described family courts and drug courts.

In addition to the lack of financial rewards, prosecution is also becoming a more dangerous profession. State prosecutors are threatened hundreds of times a year across the United States. In 2001, 81% of prosecutors serving communities of 250,000 or more reported a threat on a staff member or a work-related assault.³³ In their survey responses, the prosecutors frequently mentioned hazardous duty retirement provisions as a recommendation. The hazards of the profession are evident. Kentucky prosecutors have been the subject of "contracts" on their lives that law enforcement personnel were fortunately able to thwart prior to the contract being carried out. However, the most horrific incident involving a prosecutor is still fresh in everyone's memory. Sadly, Commonwealth's Attorney Fred Capps was gunned down in his home in June of 2000 by a man that he was to prosecute for child sexual abuse later that day. This fall, the National District Attorneys Association dedicated a memorial to prosecutors killed in the line of duty. Among the names on this memorial is that of Fred Capps.

The combination of all of these factors appears to be contributing to the increased turnover in Kentucky's prosecutor offices. If the trend towards declining increments continues through fiscal 2005, approximately 1 of every 5 prosecutors employed by the Unified Prosecutorial System this year will leave to find better jobs with better benefits. There is little to offer potential candidates for employment with the Commonwealth in a prosecutorial position: no guarantee of

a cost of living increase; a caseload that is well beyond the recommended levels per prosecutor; an equally overworked and underpaid support staff; and a profession that becomes more and more dangerous every day.

LOAN FORGIVENESS AS AN INCENTIVE FOR NEW PROSECUTORS

"The cost of law school is increasing dramatically."

Because of the turnover problem faced by prosecutors, the surveys attempted to address incentives that could be offered to foster career prosecutors to keep them in the profession. Prosecutors were asked: "Do you believe that offering a loan forgiveness incentive is appropriate for new prosecutors?" The overwhelming answer from the survey responses was "yes." 80% of County Attorneys and 92% of Commonwealth's Attorneys believe that offering a loan forgiveness incentive is appropriate. With respect to the particulars of this loan forgiveness incentive, 91% of Commonwealth's Attorneys and 89% of County Attorneys felt that a loan forgiveness incentive should be based upon an agreement by the recipient to continue in the prosecutorial system for a defined number of years. It appears that a loan forgiveness program would give the elected official a means of ensuring a stable workforce and prevent the high turnover that is currently affecting prosecutorial offices.

RESPONSES TO FUNDING SOURCE INQUIRIES

With respect to funding issues, prosecutors were surveyed regarding various funding sources that could be used to enhance the funding for the Unified Prosecutorial System. With respect to the cigarette excise tax, prosecutors were asked the following question: "Would you be supportive of a reasonable

³³ "Threats Part of Landscape for Prosecutors", Pittsburgh Post-Gazette, December 14, 2003.

cigarette excise tax if a portion of the tax proceeds were directed toward additional funding for the Unified Prosecutorial System? 84% of County Attorneys and 94% of Commonwealth's Attorneys responding to this question answered in the affirmative.³⁴

An additional question was posed regarding the legalization of casino gambling. The question was stated as follows: "Would you be in favor of legalizing casino gambling if a portion of the revenue generated was directed toward the Unified Prosecutorial System?" This question elicited a less uniform response. 45% of Commonwealth's Attorneys and 56% of County Attorneys answered in the affirmative. Obviously, matters related to these subjects necessarily implicate public policy issues that are best handled by the General Assembly.

RECOMMENDATIONS

In the Introduction of this Report, prosecutors identified four primary concerns in their survey responses. These were:

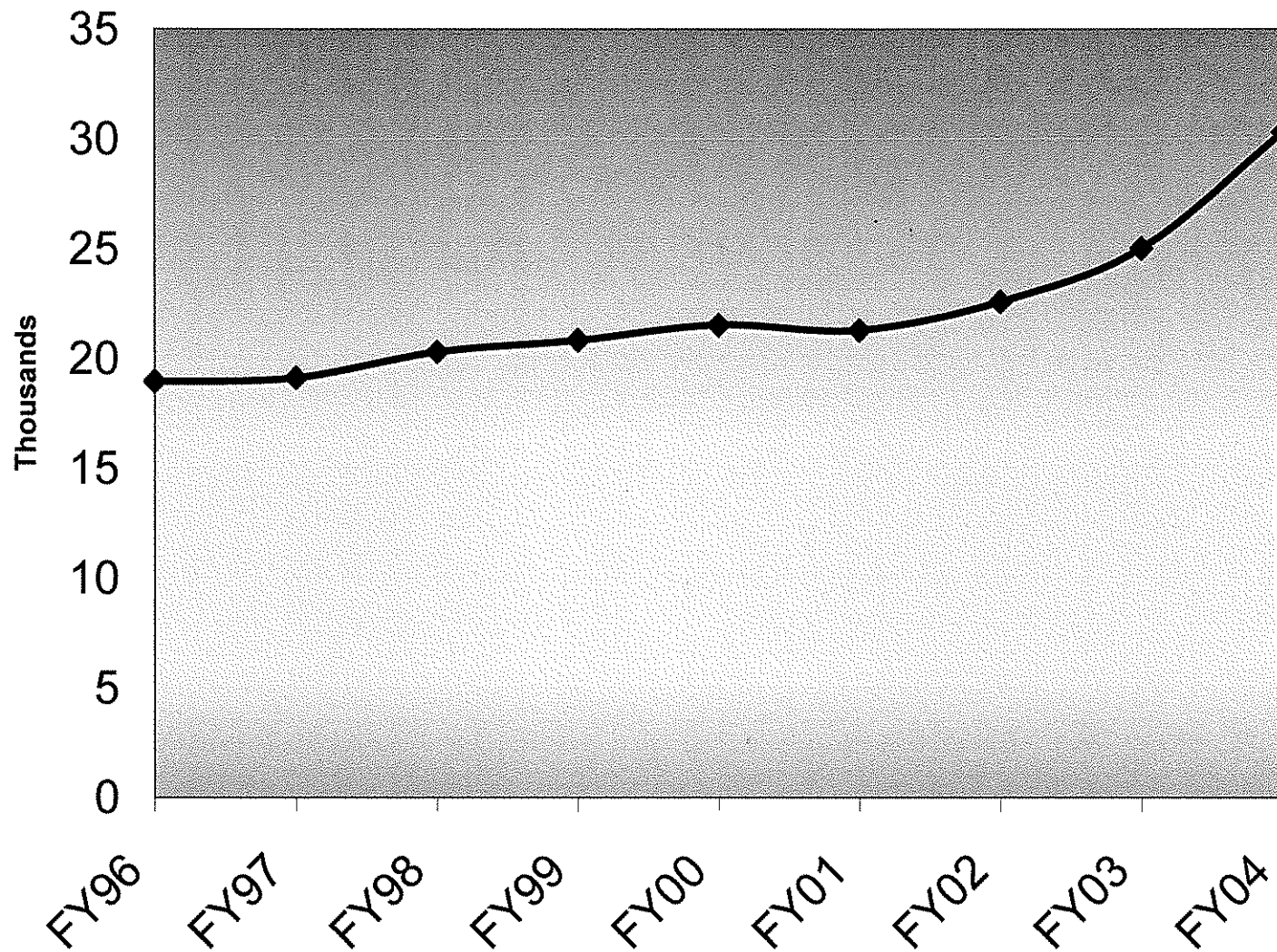
1. A huge increase in caseloads;
2. No corresponding increase in resources to handle these caseloads;
3. A lack of ability to attract qualified new prosecutors because of low starting salaries; and
4. A lack of ability to retain career prosecutors due to an inability to increase their salaries competitively with the private sector.

This report has outlined these concerns in detail, and it is clear that prosecutors across the state believe that they are not being given the resources to handle the

³⁴ Many prosecutors provided additional comments in the surveys regarding funding sources. It should also be noted that some prosecutors did not address this question, preferring to leave this

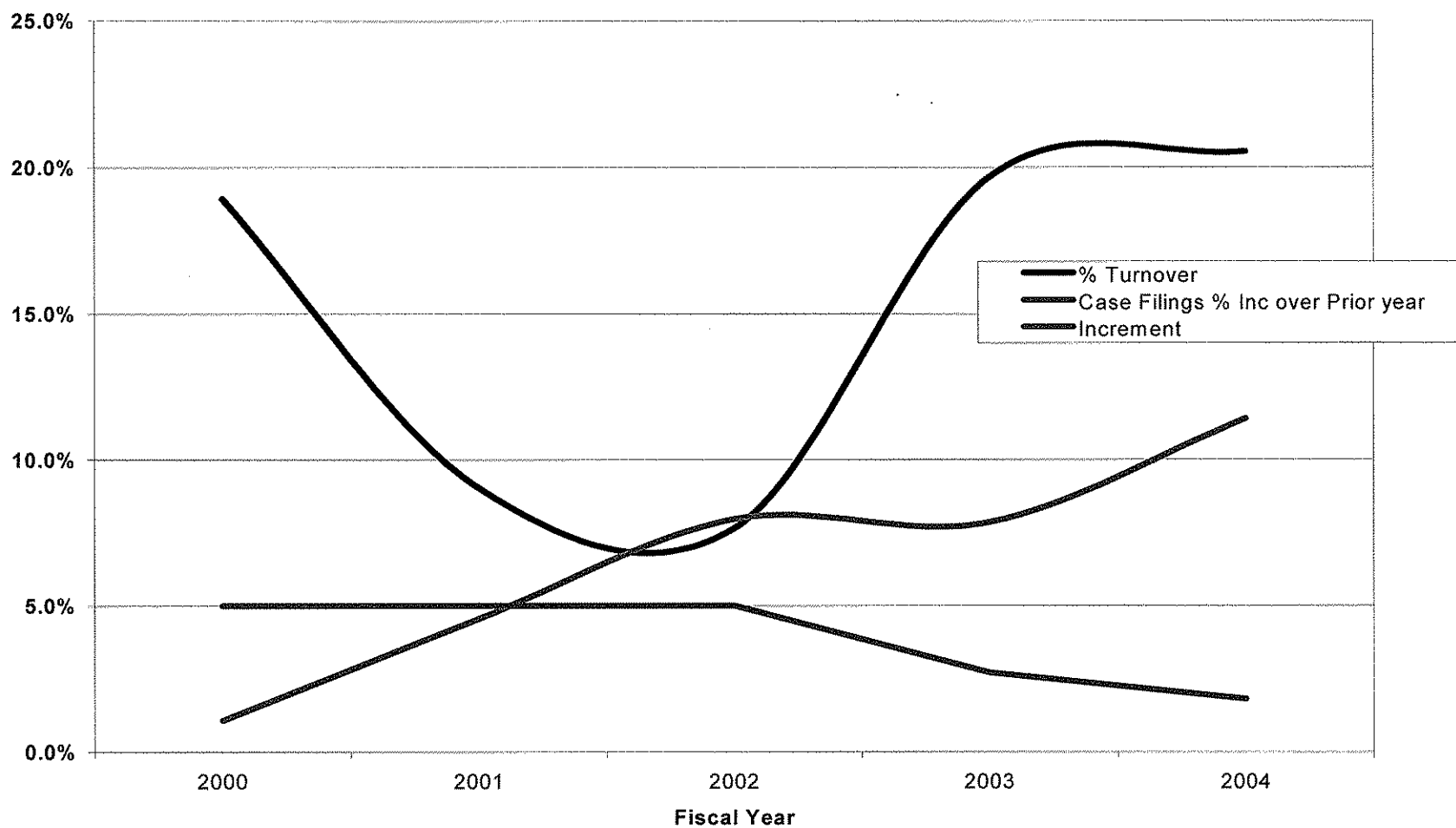
caseloads that they are carrying. Also, the lack of funding is leading to increased turnover in prosecutors' offices across the Commonwealth. As outlined in this Report, the Commission recommends that additional funding be directed toward the Unified Prosecutorial System to address these increased caseloads and to explore the provision of loan forgiveness or other incentives to prosecutors to encourage employment stability in the profession. Finally, to the extent that policy decisions are made by other branches of government, this Report should be used as a reference tool in gauging the effect that these decisions may have on the Unified Prosecutorial System.

**FY96-04
CIRCUIT COURT CRIMINAL
CASES CLOSED**

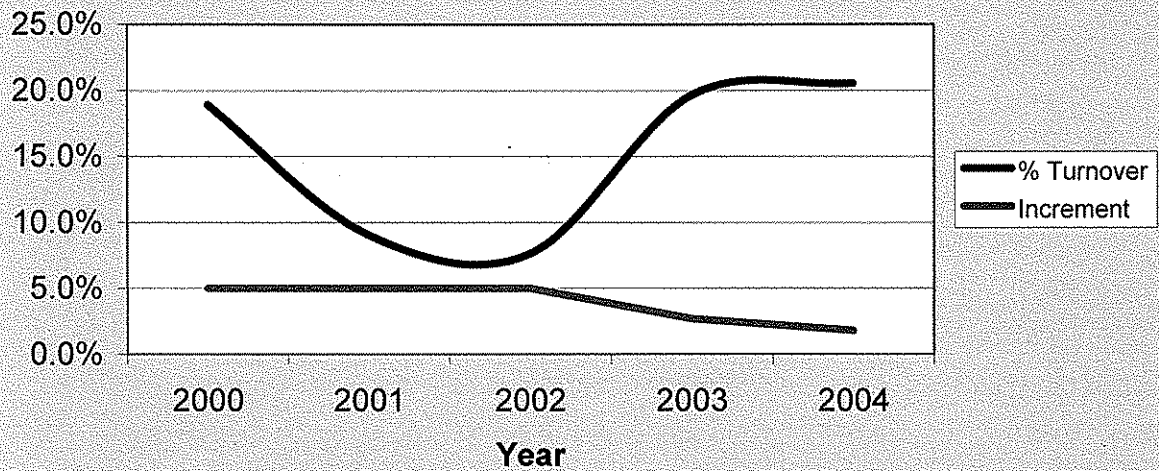


Commonwealth's Attorneys

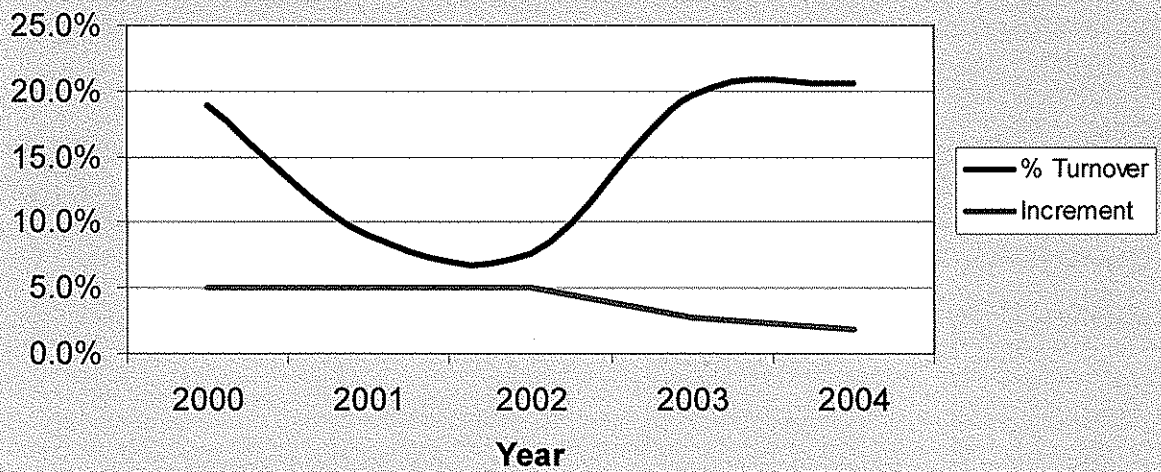
% Turnover vs % Case Filing Increase vs % Salary Increment



Assistant County Attorneys % Turnover vs. % Increment



Assistant Commonwealths Attorneys % Turnover vs. % Increment



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